

DOCKET FILE COPY ORIGINAL

ORIGINAL

ANNE GOODWIN CRUMP*
VINCENT J. CURTIS, JR.
THOMAS J. DOUGHERTY JR.
JAMES G. ENNIS
PAUL J. FELDMAN*
RICHARD HILDRETH
EDWARD W. HUMMERS, JR.
FRANK R. JAZZO
BARRY LAMBERGMAN
PATRICIA A. MAHONEY
GEORGE PETRUTSAS
LEONARD R. RAISH
JAMES P. RILEY
MARVIN ROSENBERG
LONNA M. THOMPSON
KATHLEEN VICTORY*
HOWARD M. WEISS

*NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ROSSLYN, VIRGINIA 22209

P. O. BOX 33847

WASHINGTON, D.C. 20033-0847

(703) 812-0400 · (202) 828-5700

TELECOPIER

(703) 812-0486 · (202) 828-5786

February 8, 1993

PAUL D.P. SPEARMAN
(1936-1962)
FRANK ROBERSON
(1936-1961)

RETIRED

RUSSELL ROWELL
EDWARD F. KENEHAN
ROBERT L. HEALD
FRANK U. FLETCHER

OF COUNSEL

EDWARD A. CAINE

TELECOMMUNICATIONS CONSULTANT

HON. ROBERT E. LEE

WRITER'S NUMBER

(703) 812-
5770

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Attention: Allocations Branch

RECEIVED

FEB - 8 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Petition for Rulemaking and
Request for Modification of
Authorization
New Wavo Communication Group, Inc.
Huntsville and Willis, Texas


Dear Ms. Searcy:

Transmitted herewith, on behalf of New Wavo Communication Group, Inc., licensee of FM station KVST, Huntsville, Texas, are an original and four copies of its "Petition for Rulemaking and Request for Modification of Authorization," which seeks to reallocate Channel 279C3 from Huntsville to Willis, Texas, as that community's first local aural transmission service, and to modify KVST's authorization to specify operation thereon.

Should any additional information be required, please contact this office.

Very truly yours,

FLETCHER, HEALD & HILDRETH


Frank R. Jazzo
Counsel for New Wavo
Communication Group, Inc.

FRJ/es
Enclosure

No. of Copies rec'd
List A B C D E

044

RECEIVED

FEB - 8 1993

BEFORE THE

Federal Communications Commission

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

WASHINGTON, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No. _____
Table of Allotments)	RM- _____
FM Broadcast Stations)	
(Huntsville and Willis, Texas))	

To: Chief, Allocations Branch

**PETITION FOR RULEMAKING AND
REQUEST FOR MODIFICATION OF AUTHORIZATION**

New Wavo Communication Group, Inc. ("New Wavo"), licensee of FM station KVST, Huntsville, Texas, by its attorneys, hereby petitions the Commission to institute a rulemaking proceeding for the purpose of allotting Channel 279C3 at Willis, Texas, to provide that community with its first local aural transmission service, and deleting Channel 279C3 at Huntsville, Texas. New Wavo proposes to amend the Table of FM Allotments as follows:

<u>Community</u>	<u>Existing</u>	<u>Allotments</u>	<u>Proposed</u>
Huntsville, Texas	259A, 269A and 279C3		259A and 269A
Willis, Texas	---		279C3

In addition, New Wavo requests that the Commission modify KVST's authorization to specify operation on Channel 279C3 at Willis, Texas, in accordance with Section 1.420(i) of the FCC's Rules. The Commission may modify KVST's authorization without considering competing expressions of interest because the proposed allotment of Channel 279C3 to Willis, Texas, is mutually exclusive with the current allotment of Channel 279C3 at Huntsville, Texas; the proposed change in allotments will not deprive Huntsville, Texas, of its only local aural transmission service; and New Wavo's

proposed change in allotments will result in a preferential distribution of facilities under the Commission's FM allotment priorities and policies. See Revision of FM Assignment Policies and Procedures, 90 F.C.C. 2d 88 (1982), and Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989).

In support of its request, New Wavo submits the following information:

Attached hereto is the Technical Statement of Lyndon H. Willoughby of Willoughby and Voss. Therein it is shown that the proposed allotment of Channel 279C3 to Willis, Texas, is mutually exclusive with the current allotment of Channel 279C3 at Huntsville, Texas. Willoughby shows that Channel 279C3 can be allotted to Willis, Texas, from a proposed site 5.38 kilometers northwest of the Willis reference coordinates in full compliance with the separation requirements of Section 73.207(b) of the FCC's Rules. Additionally, Mr. Willoughby states that KVST will be able to place at least a predicted 3.16 mV/m contour over all of Willis, Texas, from New Wavo's proposed transmitter site.

Presently, Huntsville has six radio stations assigned to it. There are two AM stations, three commercial FM stations and a noncommercial educational FM station. Huntsville, Texas, has a population of approximately 18,000. Willis, Texas, which currently has no local aural transmission service, has a population of 2,764.

Application of the Commission's FM allotment priorities and policies to New Wavo's proposed change of allotments at Huntsville and Willis, Texas, demonstrates that New Wavo's instant proposal

will result in a preferential arrangement of allotments. The proposed relocation of KVST to Willis will result in that city's first local aural transmission service, which is the Commission's third FM allotment priority and second in weight behind provision of a first aural service. The removal of KVST from Huntsville, Texas, on the other hand, will not deprive that city of its only local aural transmission service because five radio stations will remain assigned to Huntsville. The move of KVST from Huntsville only involves factors under the Commission's fourth FM allotment priority, other public interest factors. Thus, New Wavo's proposal will result in a preferential arrangement of allotments.

Willis is an incorporated city deserving of its own local aural transmission service. It is governed by a mayor and five aldermen. The City of Willis provides water, sewer, police and other services. Willis has its own bank, medical clinic, ambulance service, library, schools, parks and newspaper. The allotment of Channel 279C3 to Willis, Texas, will provide the city with a vital outlet for local expression.

In the event Channel 279C3 is allotted to Willis, Texas, and the authorization of KVST is modified to specify operation thereon, New Wavo will expeditiously file an application to modify KVST's facilities accordingly, and when authorized, will promptly construct modified facilities for KVST at Willis, Texas.

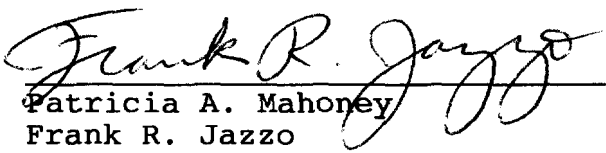
WHEREFORE, for the foregoing reasons, New Wavo respectfully requests that the Commission amend Section 73.202(b) of its Rules to allot Channel 279C3 at Willis, Texas, and to delete Channel

279C3 at Huntsville, Texas, and modify KVST's authorization to specify operation thereon.

Respectfully submitted,

NEW WAVO COMMUNICATION GROUP, INC.

By:


~~Patricia A. Mahoney~~
Frank R. Jazzo

Its Attorneys

FLETCHER, HEALD & HILDRETH
1300 North 17th Street, 11th Floor
Rosslyn, Virginia 22209
(703) 812-0400

February 8, 1993

ORIGINAL

TECHNICAL STATEMENT IN SUPPORT
OF PROPOSED RULE MAKING TO
AMEND §73.202(b), FM TABLE OF ALLOTMENTS

on behalf of
NEW WAVO COMMUNICATION GROUP, INC.
KVST RADIO, CHANNEL 279C3

JANUARY, 1993

Copyright (c) 1993

WILLOUGHBY & VOSS

BROADCAST TECHNICAL CONSULTANTS
P.O. BOX 701190
SAN ANTONIO, TEXAS 78270-1190
(512) 525-1111

WILLOUGHBY & VOSS

TECHNICAL STATEMENT IN SUPPORT OF PROPOSED RULE MAKING FOR KVST CH. 279C3-WILLIS, TEXAS

The firm of Willoughby & Voss has been retained by New Wave Communications Group, Inc., permittee of KVST, FCC File No. BPH-921023IC, to prepare the instant technical statement in support of a petition for rule making to amend the FM Table of Allotments by deleting Channel 279C3 at Huntsville, Texas, and assigning Channel 279C3 to Willis, Texas. Further, it is requested that the KVST permit and/or license (should the license be issued prior to grant of this PRM), be modified to reflect Willis as the Community of License.

An allocation study of Channel 279C3 was performed, using site coordinates 30-26-55 N.L., 95-31-48 W.L. and is found to meet all Class C3 distance separation requirements of Section 73.207 of the Commission's Rules. Exhibit A is a tabulation of the allocation study. The proposed site coordinates are 5.38 km (bearing 300.3 degrees True), from the Willis, Texas, reference coordinates. This site restriction is necessary to meet the distance separation requirements to KBIU Ch. 279C1 at Lake Charles, Louisiana and to KRBE Ch. 281C at Houston, Texas. This proposed facility will serve all of the community of Willis with the required 3.16 mV/m contour.

The community of Willis, Texas, is an incorporated municipality, having its own city government. The 1990 Census figure for Willis proper is 2,764. Adoption of this proposal will provide Willis with "first local service". The instant proposal is mutually exclusive with the present assignment of KVST-FM to Huntsville, Texas. The deletion of Channel 279C3 at Huntsville, will still leave that community with four local services, two FM and two AM assignments.

In light of the above facts, and the desire of the Commission for efficient spectrum usage, it is requested that the Table of Allotments contained in Section 73.202(b) of the Commission's Rules be amended to read as follows:

WILLOUGHBY & VOSS

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Huntsville, TX	213A, 259A, 269A, <u>279C3</u>	213A, 259A, 269A,
Willis, TX	none	<u>279C3</u>

Upon allotment of the above requested changes, formal application for the respective facility will be filed with the FCC.

CERTIFICATION

The foregoing was prepared on behalf of New Wave Communications Group, Inc., by, or under the immediate supervision of Lyndon H. Willoughby, of Willoughby & Voss, San Antonio, Texas. The affiant's qualifications are contained in previous filings and are a matter of record with the Federal Communications Commission. The statements and data contained herein are true and correct of his own knowledge, except as to statements made on information and belief and as to those statements, he believes them to be true and correct.

By Lyndon H. Willoughby
Lyndon H. Willoughby, Affiant
Date: 1-28-93

WILLOUGHBY & VOSS

Willoughby & Voss
Broadcast Technical Consultants
San Antonio, Texas

FM Channel Study for Channel 279C3 at 30-26-55 95-31-48
Safe Distance of 25.0 Kilometers
New (6 kW) Class A spacings employed

***** STANDARD DISCLAIMER APPLIES *****

Channel	Call	City	State	Lat	Distance	Reqr'd
Applicant/Licensee				Long	Bearing	Clear
225C	USED	Pasadena				
			, TX	29-34-34	96.73	31.0
	0.00 kW		OM	95-30-36	178.85	65.73
225C	KKBQFM	LIC	Pasadena			
Gannett Texas Broadcasting, Inc.			, TX	29-34-34	96.73	31.0
	97.00 kW	585M		95-30-36	178.85	65.73
226D	NEW-T	APP	Bryan, etc.			
The KSBJ Educational Foundation			, TX	30-39-37	88.28	0.0
	0.25 kW	86M		96-25-1	285.64	
276A	DEL	Centerville				
Radio Lee County			, TX	31-15-36	99.65	42.0
	0.00 kW	OM		95-58-42	334.63	57.65
276A	NEW	APP	Centerville			
Caroline K. Powley			, TX	31-12-19	97.15	42.0
	1.90 kW	63M		96-2-32	329.84	55.15
276A	VACANT	Centerville				
			, TX	31-15-36	99.65	42.0
	0.00 kW	OM		95-58-42	334.63	57.65
276A	KHRN	ADD	Hearne			
Radio Lee County			, TX	30-51-7	109.06	42.0
	0.00 kW	OM		96-34-4	294.47	67.06
276A	KCRM	LIC	Cameron			
KCRM Broadcasting			, TX	30-45-16	136.46	42.0
	3.00 kW	91M		96-54-30	284.73	94.46
277C	KJOJFM	LIC	Freeport			
U.S. Radio, L.P.			, TX	28-48-57	181.11	96.0
	100.00 kW	303M		95-36-3	182.19	85.11
277C1	USED	Nacogdoches				
			, TX	31-34-51	149.94	76.0
	0.00 kW	OM		94-40-16	32.94	73.94
277C	USED	Freeport				
			, TX	28-48-57	181.11	96.0
	0.00 kW	OM		95-36-3	182.19	85.11
277C1	KJCS	LIC	Nacogdoches			
Multicom Broadcasting, Inc.			, TX	31-34-51	149.94	76.0
	100.00 kW	107M		94-40-16	32.94	73.94
277D	NEW-T	APP	Beaumont			
Patrick Parks			, TX	30-4-45	140.56	0.0
	0.25 kW	82M		94-7-58	106.59	
278C	USED	San Marcos				
			, TX	30-2-42	230.62	176.0
	0.00 kW	OM		97-52-50	259.40	54.62

KVST EXHIBIT A
ALLOCATION STUDY

WILLOUGHBY & VOSS

Willoughby & Voss
Broadcast Technical Consultants
San Antonio, Texas

FM Channel Study for Channel 279C3 at 30-26-55 95-31-48
Safe Distance of 25.0 Kilometers
New (6 kW) Class A spacings employed

***** STANDARD DISCLAIMER APPLIES *****

Channel	Call	LIC	City	State	Lat	Distance	Regrd
Applicant/Licensee					Long	Bearing	Clear
278A	KVST	LIC	Huntsville	TX	30-36-3	17.45	89.0
New Wavo Communication Group, Inc.	3.60 kW	130M			95-29-2	14.68	-71.55
278C	KEYIFM	LIC	San Marcos	TX	30-2-42	230.62	176.0
Hicks Communications Partners L. P.	96.00 kW	383M			97-52-50	259.40	54.62
279C1		USED	Lake Charles	LA	30-14-41	211.04	211.0
	0.00 kW	OM			93-20-52	95.60	0.04
279C		USED	Highland Park-Dallas	TX	32-34-54	273.47	237.0
	0.00 kW	OM			96-58-32	330.23	36.47
279C	KVILFM	LIC	Highland Park-Dallas	TX	32-34-54	273.47	237.0
KVIL Radio, Inc.	100.00 kW	479M			96-58-32	330.23	36.47
279C3	KVST	APP	Huntsville	TX	30-36-3	17.45	153.0
New Wavo Communication Group, Inc.	15.00 kW	129M			95-29-2	14.68	-135.55
279C1	KBIU	LIC	Lake Charles	LA	30-14-41	211.04	211.0
Dixie Broadcasters, Inc.	100.00 kW	143M			93-20-52	95.60	0.04
279A		USED	Haughton	LA	32-31-57	300.74	142.0
	0.00 kW	OM			93-30-14	39.28	158.74
279C3		VACANT	Huntsville	TX	30-43-24	30.46	153.0
	0.00 kW	OM			95-31-30	0.90	-122.54
279A	KZWB	CP MOD	Haughton	LA	32-33-11	297.80	142.0
Cary D. Camp	6.00 kW	100M			93-34-56	37.91	155.80
280C2	KCRM	CP MOD	Cameron	TX	30-45-16	136.46	117.0
KCRM Broadcasting	50.00 kW	150M			96-54-30	284.73	19.46
280D	K280CP	LIC	Temple, etc.	TX	31-4-40	188.88	0.0
Lee Roy Franklin	0.02 kW	OM			97-21-48	292.14	
280D	K280CL	LIC	Palestine	TX	31-45-46	146.04	0.0
Roberto R. & Terrie W. Gonzalez	0.02 kW	OM			95-38-3	356.12	
280C2		USED	Cameron	TX	30-45-16	136.46	117.0
	0.00 kW	OM			96-54-30	284.73	19.46

KVST EXHIBIT A
ALLOCATION STUDY

WILLOUGHBY & VOSS

Willoughby & Voss
Broadcast Technical Consultants
San Antonio, Texas

FM Channel Study for Channel 279C3 at 30-26-55 95-31-48
Safe Distance of 25.0 Kilometers
New (6 kW) Class A spacings employed

***** STANDARD DISCLAIMER APPLIES *****

Channel Call Applicant/Licensee	City	State	Lat Long	Distance Bearing	Req'd Clear
281C KRBEFM KRBE Co.	LIC Houston	, TX	29-34-34 95-30-36	96.73 178.85	96.0 0.73
281C	USED Houston	, TX OM	29-34-34 95-30-36	96.73 178.85	96.0 0.73

KVST EXHIBIT A
ALLOCATION STUDY